AMENDMENT UNDER 37 CFR 1.312 Appln. No. 09/862,766

REMARKS

Consideration of this amendment under 37 CFR 1.312 is respectfully requested.

The above amendment of claim 1 is submitted to be needed to correct an antecedent problem in claim 1 that has existed since the filing of the present application. More specifically, claim 1 related the claimed player to the claimed speaker and the claimed memory, and also to the unclaimed battery. The requested amendment removes the recitation of "the battery from claim 1 to remove this antecedence problem.

CONCLUSION

In light of the foregoing remarks, early consideration and entry of the above amendment to the application are most courteously solicited.

Respectfully submitted,

GATEWAY, INC.

Jeffrey A. Proehl (Reg. No. 35,987)

Customer No. 24,333

Gateway, Inc.

610 Gateway Dr., Y-04 N. Sioux City, SD 57049

Telephone (605) 232-1967

Fax (605) 232-2612